

Testimony of

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PREPARED STATEMENT

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HEARING ON KEEPING AMERICA'S MASS TRANSIT SYSTEMS SAFE, IS THE LAW ADEQUATE?

Mr. Chairman and Members of the Senate Judiciary Committee, I would like to thank you for the opportunity to provide comment and information on matters involving rail security in the United States.

CURRENT STATE OF SECURITY

First, before I address security issues, I believe that it may be helpful for the Committee to know a little about Amtrak and its Police and Security Department. Amtrak is the nation's only intercity passenger rail transportation company and operates over 300 trains per day over some 22,000+ miles of rail with approximately 540 Stations in 46 states. Amtrak carried over 24 million passengers in the last fiscal year. Like rail transportation systems worldwide and mass transit systems in the United States, Amtrak functions in a very "open" transportation environment. Because of advantages such as easy access, convenient locations and intermodal connections, rail and mass transit systems are completely different from the structure and organization of the airline transportation and airport industry. As a result, the security framework that works ideally in the airport setting is not transferable to the rail station system.

A prime example of this dichotomy can be observed by looking at the Amtrak service route. In Penn Station, New York there are literally hundreds of thousands of people using the facility on a daily basis with passengers boarding and unboarding trains that are operated by Amtrak, LIRR and New Jersey Transit commuter trains. Penn Station is a vast, bustling intermodal transportation facility with detailed passenger planning coordinated with the dispatch, arrival and departure of trains on a minute-by-minute precision basis. In addition, Amtrak also has numerous stations that are unmanned or are merely platforms that are located throughout its national service route. Because of this diverse and complex organization, any delays built into this framework with security regulations would drastically affect the operation of rail transportation and the valued openness of its environment. While this certainly presents formidable security challenges here in the United States as well as in other countries throughout the world, these elements are also the key reasons why rail and mass transit systems remain as popular and useful transportation modes.

The Amtrak Police Department has 342 sworn officers with most of its security force located in the Northeast Corridor where Amtrak runs and operates the tracks and infrastructure. In 1992, it received the distinction of being the first national law enforcement agency accredited by the prestigious Commission on Accreditation of Law Enforcement Agencies (CALEA) and has been reaccredited in 1997 and 2002. The Department has oversight responsibility for the planning, assessment and evaluation of Amtrak's passenger, critical infrastructure, and station security, emergency response plans and operations.

Though the Amtrak Police Department is a traditional police force that does not focus on counter terrorism, since September 11, 2001, our department has worked to develop terrorism-based vulnerability and threat assessments, emergency response and evacuation plans, as well as security measures that address not only vandalism and other forms of street crime but the potential for explosion and blast effects at critical infrastructure locations. Amtrak has also developed a Security Threat Level Response Plan (ASTLRP) that mirrors the HSAS and requires Amtrak to engage in specific security countermeasures according to the existing threat level. To effectively engage in these

responsive measures, Amtrak also created a Security Coordinator Program. Within each Amtrak division, a Security Coordinator works closely with Amtrak Police and Security personnel to review the security components and steps of the ASTLRP and to ensure that employees within their division are undertaking the required steps. Amtrak reinforces security messages and guidelines through this program and has also established a Security Information Center to increase employee awareness about security issues and to directly provide security tips, bulletins and specific information on security policies and procedures.

Amtrak has also increased its police canine patrols by adding twelve explosive detection canine teams to conduct random sweeps of baggage rooms, train platforms and stations. The Police Department has also purchased full-face respirators for all sworn personnel and deployed these devices for Amtrak's first responders to protect against a CBR attack. In major stations, gamma/neutron radiological detectors have also been deployed to address radiological threats. Finally, Amtrak has instituted a practice of conducting random photo identification for passengers purchasing tickets and instituted a plan for placing weight restrictions on baggage at certain levels of heightened security.

As part of its ongoing security efforts, the Amtrak Police Department does budget for elevations in the HSAS because manpower costs during an "Orange" level alert are roughly \$11,000 per day. However, there have been so many days this fiscal year already at this alert level that Amtrak is coming close to surpassing its reserve budget. Also, such a focus on counter terrorism makes Amtrak less effective in providing its general police service to its travelers and stations users.

Though Amtrak continues to prepare to prevent an attack on our rail system, we also recognize that we must stand ready to manage an incident if and when there is some form of attack. Through our Office of Emergency Preparedness we conduct training for first responder agencies (over 21,000) situated along the Amtrak service route. We have purchased a public safety database that lists each police, fire and emergency rescue agency in order to facilitate state and local emergency response and to establish a clear record of agency training. The Amtrak Police and Security Department has also developed close working relationships with our federal partners: DHS, TSA, DOT, and FRA to ensure effective communications exist and that our security efforts are coordinated.

Amtrak is working with FRA to arrange for and conduct blast vulnerability studies of train equipment and is working with DHS, FRA and TSA to develop a basic security awareness training course for all Amtrak employees. There have also been numerous collaborations with the above agencies that address rail security matters. Some of these initiatives include Land Transportation Anti-terrorism training that was provided by FLETC to Amtrak Police personnel and its Security Coordinators as well as two emergency response drills in which scores of federal, state and local agencies conducted exercises related to a terrorist incident. All of these initiatives were sponsored by TSA.

ADDITIONAL LEGAL ENHANCEMENTS

With regard to criminal law sanctions, Amtrak agrees with the language of S.1608 that reconciles criminal acts of terrorism against mass transit systems and amends the Railroad Section of the United States Crimes Code by including passenger rail. Any act of terrorism committed against a passenger and/or mass transit rail system should be treated in the same fashion. This legislation would make it clear that acts of terrorism, whether by explosives, biological or radiological attack, would be dealt with in a uniform and straightforward manner.

While criminal sanctions, such as S.1608, are important tools to have in this new security environment, I would also ask this Committee and your colleagues in the Senate and House to address some basic legal matters that confronts Rail Police across the Nation and Amtrak. Specifically, Rail Police are not on the same equitable level as state, local and mass transit police in other key areas, such as, ability to participate in the bulletproof vest partnership program, entitlement to Public Safety Officer benefits and in some states, like California, the ability to directly access law enforcement records systems while performing pedestrian and vehicle investigations.

Further, while Amtrak has submitted security plans to the government for review and currently has been included in recent rail security funding legislation, S. 2273 which was reported out of the Senate Commerce Committee today with bipartisan support, the lack of a consistent and ongoing source for security related funding issues will remain in the future, even if its immediate and critical needs are addressed through the current legislation. I would also request consideration of specific legislation in this area.

Thank you for this opportunity to provide testimony to the Committee.